

REMARKS

In the Office Action dated April 22, 2005 (OA) the Examiner: (1) objected to the form and content of the specification due to the Abstract; (2) objected to claims 30 and 31 as duplicative; (3) rejected claims 1-11 and claims 18-28 under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,272,537 to Kekic *et al.* ("Kekic"); and (4) rejected claims 12-17 and 29-31 under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,359,635 to Perttunen ("Perttunen"). In view of the foregoing Amendments and remarks, allowance of the pending claims is requested.

By this Amendment, Applicant has provided a substitute specification and amended claims 12 and 29 to further clarify the invention. No new claims are added and no claims are cancelled. Upon entry of the foregoing Amendment, claims 1-31 are pending. The as-filed specification provides support for the amended claims. Thus, no new matter is added.

Objection to the Specification

In response to the Examiner's rejection of the Specification, Applicant requests that the Examiner replace the original abstract with the substitute Abstract included on page 2 of the Response. The substitute Abstract addresses the Examiner's concerns and complies to the required form. Applicant, therefore, respectfully requests that the objection to the specification be withdrawn.

With respect to the objections to claims 30 and 31, Applicant respectfully traverses the objection because the two claims are not duplicative, as the Examiner contends. See OA, at p. 2. Claim 30 recites a combination including "displaying a plurality of non-root managed devices in a tabular layout ordered according to a ***breadth-first*** search of devices." (emphasis added). In contrast, claim 31, recites a combination including "displaying a plurality of non-root managed devices in a tabular layout ordered according to a ***depth-first*** search of devices." (emphasis added). For at least the reason that the claims recite different subject matter, the Applicant respectfully requests that the Examiner withdraw the objections to these claims.

Rejections Under 35 U.S.C. §102(e)

Kekic et al.

Applicant respectfully traverses claims 1-11 and claims 18-28 under §102(e), as allegedly being anticipated by Kekic, because Kekic does not teach or even suggest each and every element of the rejected claims.

Claim 1, for example, recites a combination of acts including, among others, “collecting configuration data describing a first networked resource via a software agent executing on the first networked resource;” and “selecting dependency data from the configuration data, the dependency data specifying a dependency relationship between the first networked resource and a second networked resource.” None of the portions of Kekic relied on in the Office Action, however, teach the combination of acts recited in claim 1.

Specifically, in rejecting claim 1, for example, the Office Action refers to col. 2, ll. 20-27, 36-49 and col. 5, ll. 8-14 of the reference. The portion relied on in Kekic merely discloses “a plurality of managed computer network elements, sometimes called managed elements; a managed element server that executes on a first computer; and at least one managed element server client that typically executes on a second computer.” See col. 5, ll. 8-14.

Nothing in this disclosure, however, teaches anything about dependency data, which as claim 1 recites, defines “a dependency relationship between the first networked resource and a second networked resource.” Moreover, a review of Kekic reveals that no other portion in the reference teaches relying on any form of dependency data to manage the elements of a distributed network. Without this disclosure, the reference cannot be deemed to disclose a combination of acts that include “collecting configuration data describing a first networked resource via a software agent executing on the first networked resource;” [and] “selecting dependency data from the configuration data. . . ,” as recited in claim 1. In fact, Kekic discloses that its network elements are platform independent, which may lead one to conclude that many of the elements have no dependency upon one another or other elements in the disclosed network. See col. 5, ll. 8-14.

Because Kekic does not disclose each and every recited element, Applicant respectfully requests that the Examiner withdraw the rejection under 102(e). Claims 2-3 depend from claim 1 and are patentable for at least the same reasons

above. Applicant respectfully requests that the rejection of claims 2 and 3 be withdrawn.

The other independent claims, 4, 9, 18, 24, 27, and 28, likewise recite the collection or gathering of dependency data to determine the relationship between elements of the network. Because Kekic does not disclose or suggest any reliance on dependency data to manage a distributed network, Applicant respectfully requests that the Examiner withdraw the rejection with respect to these claims. Moreover, having demonstrated that independent claims 4, 9, 18, and 24 are allowable over Kekic, Applicant asserts that claims 5-8; 10-11; 19-23; and 25-26, by virtue of their respective dependencies on these claims, are also allowable over Kekic.

Perttunen

Applicant respectfully traverses the rejection of claims 12-17 and 29-31 under 35 U.S.C. §102(e) in view of Perttunen because it fails to teach or suggest each and every element of the claims. While Applicant has amended claims 12 and 29 to further clarify the features of the invention, Applicant submits that these amendments are not related to overcoming the Perttunen reference.

First, “a claim is anticipated only if each and every element . . . of the claim is found . . . in a single prior art reference.” *Verdegall Bros. v. Union Oil Co. of California*; 814 F.2d 628, 631 (Fed. Cir. 1987). By contending that “it is obvious to one of ordinary skill in the art to implement ‘indenting the representation of the non-root managed device a predetermined distance . . . ,’” the Examiner concedes that Perttunen does not include each and every element of claim 12, for example, and therefore cannot be deemed to anticipate the claim. See OA page 8. This rejection, therefore, is facially improper and should be withdrawn. Applicant further traverses the rejection under § 102(e), notwithstanding the improper rejection, because Perttunen fails to teach or disclose each and every feature recited in amended claim 12.

As amended, claim 12, for example, recites a combination of features including, “selecting a root managed device residing in a distributed network to display at a root distance from the border; and displaying a non-root managed device . . . the displaying including indenting the representation of the non-root managed device a predetermined distance away from the border, greater than

the root distance and dependent upon the length.” The portions of the reference cited in the Office Action simply do not disclose the recited combination.

Perttunen merely discloses producing a display that represents a plurality of elements in the form of a graph, where the graphical representation depicts a set of nodes and edges. See col. 11, ll. 40-51. Root nodes in Perttunen are displayed and defined by the edge of the produced graph and nothing in the reference discloses or teaches displaying this root node any distance from the edge of the graphic representation. To the contrary, the edge of the graph defines the root node and Perttunen, therefore, does not disclose, among other things, a combination including “selecting a root managed device. . . to display at a root distance from the linear border,” as recited in claim 12. Because Perttunen does not teach this feature, it also fails to disclose “displaying a non-root managed device . . . a predetermined distance away from the border, greater than the root distance . . .,” as recited in claim 12. For at least these reasons, the Examiner has failed to establish that Perttunen anticipates claim 12.

For at least these reasons, Applicant respectfully requests that the Examiner withdraw the rejection and deem claim 12 allowable over Perttunen. Claims 13-17, at least by virtue of their dependence on claim 12, are also allowable.

Independent claim 29, likewise recites the display of a non-root managed device located a predetermined distance from the border, greater than the root distance, and is allowable at least for the reasons provided in support of claim 12. Claims 30 and 31, at least by virtue of their dependence on claim 29, are also allowable over Perttunen. For at least these reasons, Applicant respectfully requests that the Examiner withdraw the rejection of these claims.

CONCLUSION

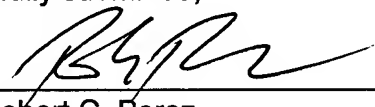
Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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Respectfully submitted,

By: _____


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